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19 Attorneys for Counterclaim Defendants
20 LAGREE TECHNOLOGIES, INC., LAGREE FITNESS, INC.,
21 MAXIMUM FITNESS INCORPORATED, SEBASTIEN LAGREE and SPX FITNESS, INC.

22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA

24 LAGREE TECHNOLOGIES, INC.,
25 LAGREE FITNESS, INC., MAXIMUM
26 FITNESS INCORPORATED, AND
27 SEBASTIEN LAGREE,

28 Plaintiffs,

v.

SPARTACUS 20TH L.P., SPARTACUS
20TH G.P., INC., PHILIP R. PALUMBO,
JAKOB IRION, BODYROK
FRANCHISE, L.P., BODYROK
FRANCHISE G.P., INC., EXERCISE
TECHNOLOGIES, L.P., BODYROK
MARINA, LP., SCULPT FITNESS
BERKELEY, LLC, AND DOES 1
THROUGH 10, INCLUSIVE,

Defendants.

CASE NO.: 3:17-CV-00795-JST

**PARTIES' STIPULATION TO EXTEND
TIME FOR PLAINTIFFS-
COUNTERDEFENDANTS TO REPLY TO
MOTION TO DISMISS PLAINTIFF'S
PATENT INFRINGEMENT CLAIMS AND
RELATED COUNTERCLAIMS
PURSUANT TO FED.R. CIV. 41(a)(2) AND
12(b)(1) AND [PROPOSED ORDER].**

SPARTACUS 20TH L.P., SPARTACUS
20TH G.P., INC., PHILIP R. PALUMBO,
JAKOB IRION, BODYROK
FRANCHISE, L.P., BODYROK
FRANCHISE G.P., INC., EXERCISE
TECHNOLOGIES, L.P., BODYROK
MARINA, LP., SCULPT FITNESS
BERKELEY, LLC, AND SPARTACUS
LOMBARD, L.P.,

Counterclaim Plaintiffs,

v.

LAGREE TECHNOLOGIES, INC.,
LAGREE FITNESS, INC., MAXIMUM
FITNESS INCORPORATED, AND
SEBASTIEN LAGREE, SPX FITNESS,
INC., AND ROES 1-10, INCLUSIVE

Counterclaim Defendants.

TO THE HONORABLE JON S. TIGAR AND THE CLERK OF THE COURT:

Pursuant to Rules 6-1(b) and 6-2(a) of the Civil Local Rules (L.R.), Plaintiffs and
Counterclaim Defendants LAGREE TECHNOLOGIES, INC., LAGREE FITNESS, INC.,
MAXIMUM FITNESS INCORPORATED and SEBASTIEN LAGREE (“Plaintiffs”), and
Counterclaim Plaintiffs SPARTACUS 20TH L.P., SPARTACUS 20TH G.P., INC., PHILIP P.
PALUMBO, JAKOB IRION, BODYROK FRANCHISE, L.P., BODYROK FRANCHISE G.P.,
INC., EXERCISE TECHNOLOGIES, L.P., BODYROK MARINA, L.P., SCULPT FITNESS
BERKELEY, LLC, and SPARTACUS LOMBARD, L.P. (“Defendants”) (hereinafter collectively
the “Parties”), stipulate as follows:

WHEREAS, Plaintiffs’ deadline to respond to Plaintiffs’ Motion to Dismiss Plaintiffs’
Patent Infringement Claims and Related Counterclaims Pursuant to Fed.R.Civ.P. 41(a)(2) and
12(b)(1) (“Motion to Dismiss”) is August 4, 2017, in accordance with L.R. 7-3(c).

WHEREAS, Plaintiffs’ counsel informed Defendants’ counsel that Plaintiff Sebastien

1 Lagree is out of the country and unavailable to assist with preparation of the reply to the Motion
2 to Dismiss until August 14, 2017 and, in addition, Plaintiffs' counsel has certain scheduled
3 obligations, including a hearing during the week of August 7, 2017.

4 WHEREAS, based on the foregoing, the Parties met and conferred and stipulated to an
5 extension of time for Plaintiffs to file their reply to the Motion to Dismiss up to and including
6 August 18, 2017.

7
8 WHEREAS, the Parties have stipulated to four previous time modifications in connection
9 with motions and responses to the Parties' respective pleadings on April 11, 2017 (Dkt. No. 35)
10 and May 18, 2017 (Dkt. No. 51), June 14, 2017 (Dkt. No. 68), and July 20, 2017 (Dkt. 82).

11 WHEREAS, this stipulation will not alter the date of any event or any deadline already
12 fixed by the Court order.

13
14 NOW, THEREFORE, the Parties, by and through their respective counsel, hereby
15 stipulate and agree that Plaintiffs' reply to the Motion to Dismiss shall be filed no later than
16 August 18, 2017.

17 Dated: August 3, 2017

NEUSTEL LAW OFFICES, LTD

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19
20 /s/ Edward K. Runyan
21 Edward K. Runyan (*Pro Hac Vice*)
22 Chad E. Ziegler (*Pro Hac Vice*)
23 Michelle G. Breit (Bar No. 133143)

24 Attorneys for Counter-defendants,
25 LAGREE TECHNOLOGIES, INC.,
26 LAGREE FITNESS, INC.,
27 MAXIMUM FITNESS INCORPORATED,
28 SEBASTIEN LAGREE, and SPX FITNESS,
INC.

1
2
3 Dated: August 3, 2017
4

/s/ Michael D. Kanach

Robert P. Andris (SBN: 130290)

Michael D. Kanach (SBN: 271215)

Kevin W. Alexander (SBN: 175204)

Attorneys for Counter-plaintiffs,

SPARTACUS 20TH L.P.,

SPARTACUS 20TH G.P., INC.,

PHILIP R. PALUMBO,

JAKOB IRION,

BODYROK FRANCHISE, L.P.,

BODYROK FRANCHISE, G.P., INC.,

EXERCISE TECHNOLOGIES, L.P.,

BODYROK MARINA, LP.


SCULPT FITNESS BERKELEY, LLC, and

SPARTACUS LOMBARD, L.P.

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 5, 2017


UNITED STATES DISTRICT JUDGE
Honorable Jon. S. Tigar

1 **FILER'S ATTESTATION**

2 I, Michelle G. Breit, am an ECF user whose ID and password are being used to file this
3 PARTIES' STIPULATION TO EXTEND TIME FOR PLAINTIFFS-COUNTERDEFENDANTS
4 TO REPLY TO MOTION TO DISMISS PLAINTIFF'S PATENT INFRINGEMENT CLAIMS
5 AND RELATED COUNTERCLAIMS PURSUANT TO FED.R. CIV. 41(a)(2) AND 12(b)(1)
6 AND [PROPOSED ORDER]. Plaintiffs' counsel obtained Defendants' counsel's authority prior
7 to the filing of this document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that counsel
8 for the Defendants concur in this filing.
9

10
11 Dated: August 3, 2107

/s/ Michelle G. Breit
Michelle G. Breit